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March 17, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 "M" Street, Room 200
Washington, D.C. 20554

Re: *Ex Parte* Notification
PR Docket No. 92-235

Dear Ms. Roman Salas:

The Land Mobile Communications Council ("LMCC"), pursuant to Section 1.1206(b)(1) of the Commission's Rules, hereby notifies the Commission that the attached letter was submitted today to Dan Phythyon, Chief, Wireless Telecommunications Bureau. Please enter this memorandum into the record of the above referenced proceeding.

If you have any questions regarding these matters, please do not hesitate to contact me at your convenience.

Respectfully submitted,

Mark E. Crosby
Secretary Treasurer

OH

LAND MOBILE COMMUNICATIONS COUNCIL

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March 17, 1998

Daniel Phythyon, Esq.
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Re: Trunking Of Land Mobile Radio Channels Below 800 MHz

Dear Mr. Phythyon:

As you are aware, there are a number of areas requiring clarification with regard to the manner in which trunking can be accomplished in the bands below 800 MHz pursuant to Section 90.187. The issues include: (1) the definition of decentralized trunking; (2) the area in which consent must be obtained; and (3) whether an applicant for a decentralized trunked system is required to obtain a "YG" or "IG" license.

In 1991, the Commission stated that "[t]he new decentralized type uses monitoring, is not prohibited, and does not require exclusive channel assignments. In considering issues regarding trunked operation, we request that commenters differentiate between these types of dynamic frequency assignment." Notice of Inquiry, PR Docket No. 91-170, 6 FCC Rcd 4126 (1991) at para. 31. See also, Report and Order and Further Notice of Proposed Rule Making, 10 FCC Rcd 10076 (1995) at note 44.

Paragraph 58 of the Commission's Second Report and Order in PR Docket No. 92-235 states:

> To allow trunking to work effectively and efficiently in the PLMR shared bands, we are adopting rules similar to those adopted for interconnection of PLMR stations with the Public Switched Network. We will permit licensees to implement centralized trunked systems in the 150-174 MHz, 421-430 MHz, 450-470 MHz, and 470-512 MHz bands, provided that they (1) obtain the consent of all licensees whose service areas overlap a circle

... / ...

with a radius of 113 km (70 mi) from the trunked system's base station and whose operating frequency is 15 kHz or less removed from the operating frequency of a trunked system designed to operate on 25 kHz channels or 7.5 kHz or less removed from a 12.5 kHz trunked system or 3.75 kHz or less removed from a 6.25 kHz trunked system; and (2) comply with all frequency coordination requirements. Statements stipulating the terms of such agreements must be forwarded to the applicable frequency coordinator and the Commission as an attachment to the license application or modification. Second Report and Order, PR Docket No. 92-235, 6 CR 730 (1997) at para. 58.

As adopted, §90.187 (Trunking in the bands between 150 and 512 MHz) states:

(a) Applicants for trunked systems operating on frequencies between 150 and 512 MHz (except 220-222 MHz) must indicate on their applications (class of station code, see §1.952 of this chapter or Instructions for FCC Form 600) that their system will be trunked. Licensees of stations that are not trunked, may trunk their systems only after modifying their license. (See §90.135).

(b) In the bands between 150 and 512 MHz, trunking may be authorized under the following conditions:

(1) Where applicants for or licensees operating in the 470-512 MHz band meet the loading requirements of §90.313 and have exclusive use of their frequencies in their service area.

(2) Trunking will be permitted on frequencies where an applicant or licensee does not have an exclusive service area, provided that all frequency coordination requirements are complied with and consent is obtained from all licensees pursuant to paragraphs (b)(2)(i), (b)(2)(ii), and (b)(2)(iii) of this section.

(i) Stations that have operating frequencies (base and mobile) that are 15 kHz or less removed from proposed stations that will operate with a 25 kHz channel bandwidth; stations that have operating frequencies (base and mobile) that are 7.5 kHz or less removed from proposed stations that will operate with a 12.5 kHz bandwidth; or stations that have operating frequencies (base and mobile) 3.75 kHz or less

removed from proposed stations that will operate with a 6.25 kHz bandwidth; and

(ii) Stations with service areas (37 dBμ contour for stations in the 150-174 MHz band and 39 dBμ contour for stations in the 421-512 MHz bands; see §90.205) that overlap a circle with radius 113 km (70 mi.) from the proposed base station. Alternatively, applicants may submit an engineering analysis based upon generally accepted engineering practices and standards which demonstrates that the service area of the trunked system does not overlap any existing stations whose service areas overlap a circle with radius 113 km (70 mi.) from the proposed base station.

(iii) The consensual agreements among licensees must specifically state the terms agreed upon and a statement must be submitted to the Commission indicating that all licensees have consented to the use of trunking. If a licensee has agreed to the use of trunking, but later decides against the use of trunking, the licensee may request that the licensee(s) of the trunked system reconsider the use of trunking. If the licensee is unable to reach an agreement with the licensee(s) of the trunked system, the licensee may request that the Commission consider the matter and assign it another channel. New licensees will only be assigned the same channel as a trunked system, if the new licensee reaches an agreement with the licensee(s) of the trunked system.

It, therefore, appears that, while the Notice of Inquiry in PR Docket No. 91-170 and the Report and Order in PR Docket No. 92-235 specifically recognize that decentralized trunking is permitted in the bands below 800 MHz without co-channel consent, the Commission has never indicated how it believes such systems should be licensed.

The Land Mobile Communications Council believes it is important that the Commission, frequency advisory committees and co-channel licensees be aware of which licensees are employing decentralized trunking equipment. With such information, coordinators may make more accurate frequency recommendations, and co-channel licensees can more readily determine causes and sources of interference. Therefore, the LMCC believes that it would be appropriate for the Commission to have some mechanism whereby a licensee's authorization indicates that the licensee employs decentralized trunking equipment.

LMCC believes that the mechanism adopted to distinguish conventional, decentralized and centralized trunking systems should not discriminate amongst manufacturers or different types of technology. It is LMCC's belief that a technology-neutral answer would not necessitate a rule change.

LMCC's members agree that any kind of trunked system, centralized or decentralized, monitored or not monitored, operates more efficiently and effectively with at least one channel protected for use by the trunked system. Therefore, LMCC suggests that applicants desiring a trunked channel, and needing a protected channel, would apply for two authorizations to be processed and granted concurrently. For any channels that are to be licensed on a protected basis, the applicant would apply for YG status for those specific channels and would provide any appropriate consent letters.[1]

The applicant would seek a second authorization for all channels to which the YG channel would trunk. This second authorization would be licensed with an IG service code and would be shared. Applicants would need to ensure that monitoring is in place to prevent co-channel interference.

Both licenses would reference each other, in the form of a call sign reference. In the event of any complaints or problems in the future, it would be simple to determine the full extent of the channels used. This is similar to the former 800 MHz SMR rules, when end user licensing was required. At that time, both the backbone licensee and the end user would have separate authorizations, with a notation at the bottom of the end user license referring to the SMR backbone license. In fact, this reference is still in the Commission's computer "fields" and could be easily utilized.

The benefits of this solution are that it is the applicant's choice as to which channels need consent, based upon their desire to receive protection on the channel.[2] Therefore, there is no need to distinguish in the rules between different technology systems. Rather, the system would be licensed based upon the applicant's choice as to whether the channel will be shared (and monitored) or whether there was co-channel consent. Further, by applying this procedure on a channel-by-channel basis, licensees can initially license their systems as IG/monitoring required and eventually migrate any

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[1] The applicant may also use a Part 22 channel as the protected channel, subject to the current and future Part 22 rules, and, therefore, may not need a protected Part 90 channel. This would negate the need for a YG license.

[2] The channel would continue to be shared with the prior licensees who consented to the trunking.

channels for which the licensee can later obtain consent into YG/non-monitored status.

This approach is consistent with the current rules, which provide that YG authorization requires consent. By obviating the need for any rule change, the Commission has saved precious regulatory time for itself and licensees. LMCC believes, however, that a clarification from the Commission is necessary to confirm that this approach is consistent with the rules.

LMCC's discussions with the Commission's Gettysburg licensing personnel indicate that this approach is acceptable. The Gettysburg licensing personnel have also indicated that another possible solution would be to adopt a new Station Class code (for example, FB8) to indicate a decentralized, trunked channel. LMCC would also agree to this licensing format; however LMCC believes that OMB clearance may be needed. Because a methodology needs to be adopted immediately, LMCC would accept whichever licensing format may be utilized first.[3]

LMCC looks forward to your immediate response on this issue.

Sincerely,

Larry A. Miller

Larry A. Miller
President

LAM:bjl

cc: Ari Fitzgerald
Karen Gulick
Ira B. Keltz
Paul E. Misener
Josh Rowland
David R. Siddall
Peter A. Tenhula
D'Wana Terry
Herbert W. Zeiler

[3] The following LMCC member organizations do not endorse the proposals contained herein: MRFAC and FIT.